



EXPRESS MAIL LABEL NO. EV985810403 US

10-14-03

PATENT ATTORNEY DOCKET NO.: 1144-CON-CON-CON-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit :  
Examiner :  
Serial No. : 10/618,167  
Filed : July 11, 2003  
Inventors : Eric J. Snell  
: Bruce C. Yeagle, Sr.  
Title : PEST CONTROL SYSTEM  
: INCLUDING COMPARTMENT  
: HAVING AREAS RECEIVING  
: PEST CONTROL MATERIALS  
: DIFFERING PHYSICAL  
: CONSISTENCIES

Customer No.: 035811

Docket No.: 1144-CON-CON-CON-03

Confirmation No.:

Dated: October 10, 2003

Certification Under 37 CFR 1.10

I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, Express Mail Number EV985810403 US, under 37 CFR 1.10 on the date indicated below and is addressed to Assistant Commissioner for Patents, Alexandria, VA. 22313-1450.

Date of Deposit: October 10, 2003

By: Patricia A. McIntosh  
Patricia A. McIntosh

**MAIL STOP PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Dear Sir:

Enclosed herewith is an Information Disclosure Statement pursuant to 37 CFR. § 1.56 in connection with the above-identified application, which statement is being filed:

- ☐ Together with the present application.
- ☒ Before the first Office Action on the merits or three (3) months from the filing date of this application, whichever occurs last. [37 CFR § 1.97(b)]

- ☐ After the first Office Action on the merits, but before a Final Office Action under §1.113 or Notice of Allowance under §1.311, whichever occurs first. (37 CFR § 1.97(c))
- ☐ After a Final Office Action under §1.113 or Notice of Allowance under §1.311, but prior to or with payment of the Issue Fee. [37 CFR § 1.97(d)]

Consistent with Applicant's obligations pursuant to 37 CFR §§1.97 and §1.98, the following requirements have been met:

- ☒ No separate requirements are needed.
- ☒ No additional fee is required.

**Fee Under 37 CFR § 1.97(c)**

The fee of \$\_\_\_\_\_ submission of an IDS under § 1.97(c) as set forth in § 1.17(p) accompanies this statement.

**Petition Under 37 CFR § 1.97(d)**

This is a petition requesting consideration of an IDS -under § 1.97(d). The petition fee of \$\_\_\_\_\_ set forth in § 1.17(i)(l) accompanies this petition.

**Certification Under 37 CFR 4 1.97(e)**

Each item of information contained in this statement was either

- ( ) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or
- ( ) not known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement.

**Provision of Copies of References**

- ☐ A copy of references \_\_\_, and \_\_\_ listed on the attached Form PTO-1449 are enclosed herewith and forms a part hereof.
- ☐ A partial translation of Reference is enclosed herewith and forms a part hereof.
- ☐ A copy of the European Search Report from a corresponding or related EPO application is enclosed herewith.

- ☐ A copy of the International Search Report from a corresponding or related PCT application is enclosed herewith.
- ☒ Since this application was filed after June 30, 2003, copies of the U.S. Patents listed on the attached Form PTO-1449 are not provided herewith in accordance with the Patent Office's waiver of this requirement in the August 5, 2003 Official Gazette (1276 OG 55).

**Identification of Prior Applications In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted**

- ☒ In accordance with 37 C.F.R. § 1.98(d), copies of some or all of the referenced listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in prior Application Serial No. 10/229/710, filed on October 28, 2002; for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.
- ☒ The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 50-2719. A duplicate copy of this transmittal is attached.

Respectfully submitted,

Date: 10/10/03



Darius C. Gambino  
Registration No. 41,472

PIPER RUDNICK, LLP  
Two Logan Square  
18<sup>th</sup> and Arch Streets, 34<sup>th</sup> Floor  
Philadelphia, PA 19103-3762  
Tel. (215) 656-3300  
Fax (215) 656-3301

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE



ATTY. DOCKET NO.  
1144-CON-CON-CON-03

SERIAL NO.  
10/618,167

APPLICANT  
Eric J. Snell et al.

FILING DATE

GROUP

# LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,695,776	12/09/1997	Ballard et al.	424	408	
	AB	5,152,097	10/06/1992	Rhodes	43	132.1	
	AC	5,148,626	09/22/1992	Haake, Sr.	43	121	
	AD	5,042,192	08/27/1991	Osteen	43	109	
	AE	4,485,582	12/04/1984	Morris	43	131	
	AF	4,065,872	01/03/1978	Patton et al.	43	131	
	AG	3,427,743	02/18/1969	Brunner et al.	43	131	
	AH	3,303,599	02/14/1967	Ballard	43	118	
	AI	2,893,160	07/07/1959	Grant	43	131	
	AJ	2,825,996	03/11/1958	Grant	43	131	
	AK	5,588,249	12/1996	Flinner			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	AL	1,135,239	04/1957	Gagliardi (France)				
	AM	W/O 92/22200	12/1992	Patterson et al. (WIPO/PCT)				

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AN	DowElanco advertisement for the Sentricon (Trademark of DowElanco) "Colony Elimination System," Mar. 1995.
	AO	Advertisement for STICK-ALL ® Mouse and Insect Trap, Kness Mfg. Co., Inc., Hwy. 5 South, P.O. Box 70, Albia, IA 52531, PEST CONTROL, p. 52 (May 1998)
	AP	Termtrol Pro, 1998 Product Guide and Sales Information
	AQ	Tin Cat Update, Product Update Information, August 15, 1998

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE



ATTY. DOCKET NO.  
1144-CON-CON-CON-03

SERIAL NO.  
10/618,167

APPLICANT  
Eric J. Snell et al.

FILING DATE

GROUP

# LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AR	4,619,071	10/1999	Willis			
	AS	4,228,613	10/1980	Kalnasy et al.			
	AT	5,448,852	09/1995	Spragins et al.			
	AU	5,136,803	08/1992	Sykes et al.			
	AV	5,040,327	08/1991	Stack et al.			
	AW	1,321,360	11/1919	Bright			
	AX	794,323	07/1905	Small			
	AY	5,930,944	08/1999	Knuppel			
	AZ	5,771,628	06/1998	Nobbs			
	BA	4,905,407	03/1990	Sherman			
	BB	4,825,581	05/1989	Dailey			

## FOREIGN PATENT DOCUMENTS


		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)



EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>LIST OF PRIOR ART CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>						ATTY. DOCKET NO. 1144-CON-CON-CON-03		SERIAL NO. 10/618,167	
				APPLICANT Eric J. Snell et al.					
				FILING DATE		GROUP			
<b>U.S. PATENT DOCUMENTS</b>									
EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
	BG	5,673,509	10/1997	Gatewood, Jr.					
	BD	5,588,250	12/1996	Chiba et al.					
	BE	1,493,132	05/1924	Strong					
	BF	790,876	05/1905	Andrus					
	BG	2,962,836	12/1960	Hughes					
	BH	5,398,442	03/1995	Musket					
	BI	5,966,863	10/1999	Payton et al.					
	BI	6,158,166	12/2000	Snell et al.					
	BK	6,164,010	12/2000	Snell et al.					
	BL	1,964,611	06/1934	E.L. Watson					
	BM	5,038,516	08/13/01	Doucette	43	131			
<b>FOREIGN PATENT DOCUMENTS</b>									
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION		
							YES	NO	
<b>OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>									
EXAMINER					DATE CONSIDERED				
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.									

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE					ATTY. DOCKET NO. 1144-CON-CON-CON-03		SERIAL NO. 10/618,167	
<b>LIST OF PRIOR ART CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>					APPLICANT Eric J. Snell et al.			
					FILING DATE		GROUP	



U.S. PATENT DOCUMENTS							
EXAMINER INITIAL*	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	BN	3,65,609	06/1976	Jordan	43	131	
	BO	4,316,344	02/1982	Carlsen	43	114	
	BP	5,148,959	09/22/1992	Cain et al.	228	4.5	
	BQ	5,508,666	04/16/1996	Nguyen	333	33	
	BR	1,519,456	12/1924	Jones	43	131	
	BS	5,953,854	09/1999	Hyatt, Stephanie	43	131	
	BT	5,555,672	09/17/1996	Thorne et al.			
	BU	5,778,596	07/14/1998	Henderson et al.			
	BV	5,628,143	05/13/1997	Doucette			
	BW	5,746,021	05/05/1998	Green			
	BX	5,329,726	07/19/1994	Thorne et al.			

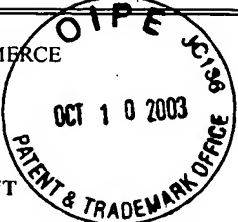
FOREIGN PATENT DOCUMENTS								
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION			
					YES	NO		

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)	

EXAMINER	DATE CONSIDERED
----------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>LIST OF PRIOR ART CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO. 1144-CON-CON-CON-03		SERIAL NO. 10/618,167	
				APPLICANT Eric J. Snell et al.			
				FILING DATE		GROUP	



U.S. PATENT DOCUMENTS							
EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	BY	6,378,243	04/30/2002	Snell et al.			
	BZ	6,474,016	11/05/2002	Snell et al.			
	CA	6,497,070	12/24/2002	Snell et al.			
	CB	958,678	5/1910	Pollard	43	131	
	CC	2,837,861	6/1958	Graham, Sr.	43	131	
	CD	3,564,750	2/1971	Burgess	43	131	
	CE	4,035,946	7/1977	Rapp et al.	43	131	
	CF	4,194,690	3/1980	Stever et al.	43	131	
	CG	4,462,182	7/1984	French	43	131	
	CH	4,698,934	10/1987	Gonzalez et al.	43	121	
	CI	4,793,093	12/1988	Gentile	43	131	

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO


OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)		

EXAMINER	DATE CONSIDERED
----------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



Form PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>LIST OF PRIOR ART CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>					ATTY. DOCKET NO. 1144-CON-CON-CON-03		SERIAL NO. 10/618,167	
					APPLICANT Eric J. Snell et al.			
					FILING DATE		GROUP	



U.S. PATENT DOCUMENTS							
EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	CJ	5,123,202	6/1992	Tanisake	43	131	
	CK	5,134,802	8/1992	Cogan et al.	43	107	
	CL	5,832,658	11/1998	Randon	431	131	
	CM	5,870,953	7/1999	Williams	43	131	
	CN	5,873,193	2/1999	Jensen	43	131	
	CO	5,901,496	5/1999	Woodruff	43	124	
	CP	5,918,410	7/1999	Knuppel	43	131	
	CQ	5,953,855	9/1999	Edwards	43	132.1	
	CR	5,979,108	11/1999	Adams	43	121	
	CS	5,950,356	9/1999	Nimrocks et al.	43	131	
	CT	74,264	1/1868	Zaiser	43	61	

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)		

EXAMINER	DATE CONSIDERED
----------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE



ATTY. DOCKET NO.  
1144-CON-CON-CON-03

SERIAL NO.  
10/618,167

APPLICANT  
Eric J. Snell et al.

FILING DATE

GROUP

# LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	CU	141,346	7/1873	Hannah	43	131	
	CV	D289,314	4/1987	Frisch	D22	119	
	CW	1,086,610	2/1914	Nunes	43	131	
	CX	1,113,842	10/1914	Sill	43	131	
	CY	1,218,406	3/1917	Jackson	43	61	
	CZ	1,573,278	2/1926	Schlesinger	43	131	
	DA	2,651,138	9/1953	Malloy	43	61	
	DB	4,244,134	1/1981	Otterson	43	58	
	DC	4,400,904	8/1983	Baker	43	131	
	DC	4,453,337	6/1984	Williams	43	131	
	DE	4,026,064	5/1977	Baker	43	131	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO

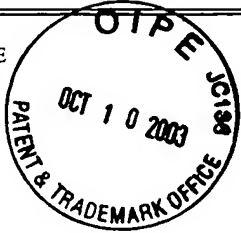
## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				ATTY. DOCKET NO. 1144-CON-CON-CON-03		SERIAL NO. 10/618,167	
<b>LIST OF PRIOR ART CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>				APPLICANT Eric J. Snell et al.			
				FILING DATE		GROUP	



U.S. PATENT DOCUMENTS							
EXAMINER INITIAL*	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
DF	4,550,525	11/1985	Baker et al.	43	131		
DG	4,625,452	12/1986	Knote	43	131		
DH	4,658,536	4/1987	Baker	43	131		
DI	4,660,320	4/1987	Baker et al.	43	131		
DJ	4,835,900	6/1989	Shifflet	43	58		
DK	5,040,327	8/1991	Stack et al.	43	131		
DL	5,136,803	8/1992	Sykes et al.	43	131		
DM	5,572,825	11/1996	Gehret	43	114		
DN	5,577,342	11/1996	Johnson et al.	43	61		
DO	5,806,237	9/1998	Nelson et al.	43	131		
DP	5,950,353	9/1999	Johnson et al.	43	58		

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)		

EXAMINER	DATE CONSIDERED
----------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.